IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 4158 of 2005

Sanjay Krushnarao Nimje ..Petitioner

Vs.

State of Maharashtra & Ors. ..Respondents

Shri R.K.Mendadkar for petitioner.
Shri C.R.Sonawane, A.G.P. for respondents.

CORAM: A.P.SHAH &
Dr.D.Y.CHANDRACHUD JJ.
19th August,2005

P.C.

. Rule. Shri Sonawane, A.G.P. waives service.

2. Shri Mendadkar, learned counsel appearing for the petitioner, submits that the case of the petitioner should be considered for protection of his service in the light of the provisions of the Govt. Resolution dated 15th June, 1995.

3. The case of the petitioner is that he was selected on 15th June, 1995 and was actually appointed on 29th June, 1995. The question, therefore, which arises for our consideration is as to whether the Govt. Resolution dated 15tth June, 1995 can be invoked by the petitioner for protection of his service since he was actually appointed on 29th June, 1995.

4. Shri Mendadkar, learned counsel appearing for the petitioner, in this connection relied upon a decision of the Division Bench in Writ Petition No. 422 of 1997 (Maruti Sandipan Jadhav Vs. State of Maharashtra and ors.) dated 15th January, 2004. In that case also the petitioner was interviewed on 15th June, 1995, selected on the same day but formal appointment order was issued in his favour lateron i.e. on 30th June, 1995.

5. In the present case the petitioner was selected on 15th June, 1995 and got the appointment order on 29th June, 1995. Since Maruti Sandipan Jadhav the petitioner in Writ Petition No.422 of 1997 is entitled to get the benefit under the Govt.Resolution dated 15th June, 1995 the same principle should be applied to the petitioner in the present petition.

6. In the result, the petition is allowed. The impugned order of dismissal dated 27th May, 2005 is quashed and set aside. The respondents are directed to reinstate the petitioner with continuity of service but without back wages and to regularise his service in the light of the Govt. Resolution dated 15th June, 1995. No order as to costs.